

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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ELECTRONICALLY FILED
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DATE FILED: 4/20/2016

RALPHE LOPEZ, et al.,

Plaintiffs,

-against-

POKO-ST ANNS L.P., et al.,

Defendants.

No. 15-CV-04980 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On February 22, 2016, following a mediation conducted under the supervision of the undersigned magistrate judge, the parties to this Fair Labor Standards Act (FLSA) case reached a settlement and placed the material terms on the record. Thereafter, they consented to my jurisdiction pursuant to 28 U.S.C. § 636(c) (Dkt. No. 34), and on March 21, 2016, they submitted their formal written Confidential Settlement Agreement and General Release (Settlement Agreement) for approval. (Dkt. No. 36-1.)

On April 4, 2016, having reviewed the Settlement Agreement, as well as the parties' joint letter discussing the factors enumerated in *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012), the Court found that the terms of the Settlement Agreement were fair and reasonable with three exceptions, and directed the parties to notify the Court, no later than April 18, 2016, of their intention to either file a revised settlement agreement and supporting materials in accord with the Court's Order or proceed with litigation. (Dkt. No. 37.)

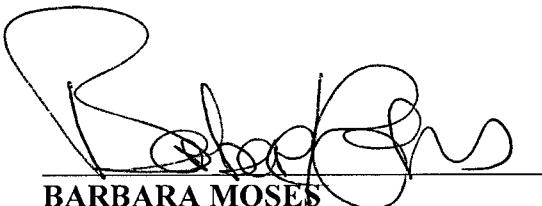
On April 18, 2016, the parties submitted a joint letter and a revised Settlement Agreement and Mutual General Release (Revised Settlement Agreement) that provides for (i) reduced attorneys' fees; (ii) a release which is mutual and which extends only to defendants' predecessors,

successors, officers and employees, directors, tax or credit syndicators, insurers, employees and agents, acting in their capacity as such; and (iii) a mutual non-disparagement provision that does not prevent plaintiffs from truthfully communicating facts concerning this litigation and its settlement.

The Court finds that the Revised Settlement Agreement is fair and reasonable and approves the settlement, as required by *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2014). It is hereby **ORDERED** that this action is **DISMISSED** with prejudice and without costs. The Clerk of the Court is directed to close the case. Any pending motions are moot.

Dated: New York, New York
April 20, 2016

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge

Copies to:
All counsel (via ECF)